

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

PS/CD

LUIS ALBERTO NUNEZ,  
Petitioner,

-v-

18-CV-6463CJS  
ORDER

CARMEN WHALING, et al.,  
Respondents.

*Pro se* Petitioner, Luis Alberto Nunez, is a civil immigration detainee currently held at the Buffalo Federal Detention Facility. Subject to a final order of removal, which is currently under review in the United States Court of Appeals for the Second Circuit via a petition for review, Docket Item 1, ¶¶ 13-14, Petitioner claims that he has been in U.S. Immigration and Customs Enforcement custody for over nineteen (19) months without an individualized bond hearing and that he currently is being detained in violation of the Constitution. He therefore seeks relief under 28 U.S.C. § 2241. Docket Item 1. Petitioner has paid the \$5.00 filing fee.

**ORDER**

IT IS HEREBY ORDERED that within **30 days of the date of this Order**, Respondents shall file and serve an **answer** responding to the allegations in the Petition; and it is further

ORDERED that within **30 days of the date of this Order**, Respondents shall file and serve, in addition to their answer, a **memorandum of law** addressing each of the

issues raised in the Petition and including citations to supporting authority and applicable sections of the Immigration and Nationality Act; and it is further

ORDERED that within **30 days of the date of this Order**, instead of their answer, Respondents may file a **motion to dismiss** the Petition, accompanied by appropriate exhibits demonstrating that an answer to the Petition is unnecessary; and it is further


ORDERED that Petitioner shall have **15 days after his receipt of the Respondents' answer or motion to dismiss** to file a written response; and it is further

ORDERED that the Clerk of Court shall serve a copy of the Petition, together with a copy of this Order, electronically via a Notice of Electronic Filing to the United States Attorney's Office, Western District of New York at USANYW-Immigration-Habeas@usdoj.gov.

**THE PETITIONER MUST FORWARD A COPY OF ALL FUTURE PAPERS AND CORRESPONDENCE TO THE ATTORNEY APPEARING FOR THE RESPONDENTS.**

SO ORDERED.

DATED: July 13, 2018  
Rochester, NY

  
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Charles J. Siragusa  
United States District Judge